Amendments to the Claims:
Amendments to the claims are reflected in the listing of claims below:

Listing of Claims:

Claims 1-16 (canceled)

Claim 17 (currently amended): An isolated nucleic acid molecule comprising at least bases 1864-2064 of SEQ. ID. No:3~~or variants thereof, at least 200 bases of a nucleic acid sequence of said variants having at least 95% homology to bases 1864-2064 of SEQ. ID. No:3~~.

Claim 18 (currently amended): ~~The isolated nucleic acid molecule of claim 17, wherein~~ A nucleic acid construct comprising the isolated nucleic acid molecule ~~is~~ of claim 17 operably linked to a heterologous nucleic acid coding sequence.

Claim 19 (currently amended): An expression vector comprising the isolated nucleic acid molecule of claim ~~18~~ 17.

Claim 20 (previously presented): A transformed plant cell comprising the expression vector of claim 19.

Claim 21 (previously presented): Seed or grain that comprises the isolated nucleic acid molecule of claim 17.

Claim 22 (previously presented): A transgenic plant comprising at least one plant cell that contains the isolated nucleic acid molecule of claim 17.

Claim 23 (currently amended): An isolated nucleic acid molecule ~~comprising a nucleic acid sequence selected from the group consisting of:~~ bases 7-2064 of SEQ. ID. No: 3~~, fragments of SEQ. ID. No: 3 containing at least 23 contiguous nucleotides of 7-2064 of SEQ. ID. No: 3, and variants having at least 95% homology to any thereof~~.

Claim 24 (currently amended): A method of producing plant tissue capable of expressing a heterologous nucleic acid sequence comprising:

introducing into at least one plant cell of the plant tissue a nucleic acid sequence comprising at least bases 1864-2064 of SEQ. ID. No: 3 ~~or variants thereof, at least 200 bases of a nucleic acid sequence of said variants having at least 95% homology to bases 1864-2064 of SEQ. ID. No:3.~~ operably linked to heterologous nucleic acid sequence.

Claim 25 (previously presented): The method of claim 24, further comprising regenerating said at least one plant cell into a plant.

Claim 26 (currently amended): The method of claim 25, further comprising producing at least one progeny of said plant selected for expression of the heterologous nucleic acid sequence.

Claim 27 (new): An isolated nucleic acid molecule comprising a nucleic acid with at least 95% homology to bases 1864-2064 of SEQ. ID. No:3.